

Senate Bill No. 834

Passed the Senate June 3, 2010

Secretary of the Senate

Passed the Assembly August 23, 2010

Chief Clerk of the Assembly

This bill was received by the Governor this _____ day
of _____, 2010, at _____ o'clock ____M.

Private Secretary of the Governor

CHAPTER _____

An act to add Section 1201.3 to the Penal Code, relating to court orders.

LEGISLATIVE COUNSEL'S DIGEST

SB 834, Florez. Court orders: minor victims: prohibitions on communications.

Existing law authorizes various postconviction orders by the court.

This bill would authorize the court, upon the conviction of a defendant for a sexual offense involving a minor victim, or if a juvenile petition involving a sexual offense against a minor victim is admitted or sustained, to issue orders prohibiting the defendant or juvenile, for a period up to 10 years, from harassing, intimidating, or threatening the victim, or the victim's family members or spouse.

Violation of these orders would be punishable as criminal contempt.

The people of the State of California do enact as follows:

SECTION 1. Section 1201.3 is added to the Penal Code, to read:

1201.3. (a) Upon the conviction of a defendant for a sexual offense involving a minor victim, or in the case of a minor appearing in juvenile court if a petition is admitted or sustained for a sexual offense involving a minor victim, the court is authorized to issue orders that would prohibit the defendant or juvenile, for a period up to 10 years, from harassing, intimidating, or threatening the victim or the victim's family members or spouse.

(b) No order issued pursuant to this section shall be interpreted to apply to counsel acting on behalf of the defendant or juvenile, or to investigators working on behalf of counsel, in an action relating to a conviction, petition in juvenile court, or any civil action arising therefrom, provided however, that no counsel or investigator shall harass or threaten any person protected by an order issued pursuant to subdivision (a).

(c) Notice of the intent to request an order pursuant to this section shall be given to counsel for the defendant or juvenile by the prosecutor or the court at the time of conviction, or disposition of the petition in juvenile court, and counsel shall have adequate time in which to respond to the request before the order is made.

(d) A violation of an order issued pursuant to subdivision (a) is punishable as provided in Section 166.

Approved _____, 2010

Governor